

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESAL PRICE LITIGATION

MDL No. 1456

Civil Action No. 01-12257-PBS

THIS DOCUMENT RELATES TO:
ALL ACTIONS

Judge Patti B. Saris

Chief Magistrate Judge Marianne B. Bowler

**DEFENDANTS' MOTION TO COMPEL THE PRODUCTION
OF DOCUMENTS FROM PARMED PHARMACEUTICALS**

Defendants Schering-Plough Corporation and Warrick Pharmaceuticals Corporation respectfully move for an order compelling Parmed Pharmaceuticals to produce documents pursuant to the subpoena served on them by Defendants.

In support of this Motion, Defendants submit the attached Memorandum in Support of Defendants' Motion to Compel the Production of Documents from Parmed Pharmaceuticals, the Declaration of Eric P. Christofferson, and the exhibits attached to the Declaration of Eric P. Christofferson.

By their attorneys,

/s/ John T. Montgomery

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Dated: November 2, 2004

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CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(a)(2), the undersigned hereby certify that counsel for Defendants contacted counsel for Parmed Pharmaceuticals regarding the issues that are addressed in this motion but were unable to resolve or narrow the issues.

By their attorneys,

/s/ John T. Montgomery

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Dated: November 2, 2004

CERTIFICATE OF SERVICE

I hereby certify that on November 2, 2004, I caused a true and correct copy of Defendants' Motion to Compel the Production of Documents from Parmed Pharmaceuticals to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL 1456 and further caused a copy of the same to be served upon counsel for Parmed via facsimile and first-class mail.

/s/ Eric P. Christofferson

Eric P. Christofferson